

Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.08 City Wards**
- 1.10 Elections**
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Chapter 1.01

CODE ADOPTION

Sections:

- 1.01.010 Adoption.**
- 1.01.020 Title—Citation—Reference.**
- 1.01.030 Reference applies to all amendments.**
- 1.01.040 Title, chapter and section headings.**
- 1.01.050 Reference to specific ordinances.**
- 1.01.060 Ordinances passed prior to adoption of the code.**
- 1.01.070 Effect of code on past actions and obligations.**
- 1.01.080 Constitutionality.**
- 1.01.090 References to prior code.**
- 1.01.100 Emergency clause.**

1.01.010 Adoption.

There is adopted the Douglas Municipal Code, as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 798 § 1, 2001)

1.01.020 Title—Citation—Reference.

This code shall be known as the Douglas Municipal Code and it shall be sufficient to refer to such code as the Douglas Municipal Code in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Douglas Municipal Code. References may be made to the titles, chapters,

sections and subsections of the Douglas Municipal Code and such references shall apply to those titles, chapters, sections or subsections as they appear in the code. (Ord. 798 § 2, 2001)

1.01.030 Reference applies to all amendments.

Whenever a reference is made to this code as the Douglas Municipal Code or to any portion thereof, or to any ordinance of the city of Douglas, Arizona, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 798 § 3, 2001)

1.01.040 Title, chapter and section headings.

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 798 § 4, 2001)

1.01.050 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 798 § 5, 2001)

1.01.060 Ordinances passed prior to adoption of the code.

The last ordinance included in this code was Ordinance No. 794, passed May 7, 2001. The following ordinances, passed subsequent to Ordinance No. 794, but prior to adoption of this code, are adopted and made a part of this code: Ordinances Nos. 795, 796, 796A and 797. (Ord. 798 § 6, 2001)

preservation of the public peace, health and safety and an emergency is declared to exist and the ordinance codified in this chapter shall come into full force and effect by its terms from and after its passage by six-sevenths (6/7) of the council and approval by the mayor. (Ord. 798 § 10, 2001)

1.01.070 Effect of code on past actions and obligations.

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. (Ord. 798 § 7, 2001)

1.01.080 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. (Ord. 798 § 8, 2001)

1.01.090 References to prior code.

References in city forms, documents and regulations to the chapters and sections of the former city code shall be construed to apply to the corresponding provisions contained within this code. (Ord. 798 § 9, 2001)

1.01.100 Emergency clause.

The immediate operation of the ordinance codified in this chapter is necessary for

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Code designation and citation.**
- 1.04.020 Definitions and rules of construction.**
- 1.04.030 Provisions considered as continuations of existing ordinances.**
- 1.04.040 Effect of repeal of ordinances.**
- 1.04.050 Severability.**
- 1.04.060 Catchlines of sections.**

1.04.010 Code designation and citation.

The ordinances embraced in the following chapters and sections shall constitute and be designated the Douglas Municipal Code and may be so cited. (Prior code § 1.1)

1.04.020 Definitions and rules of construction.

In the construction of this code and of all ordinances of the city, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

1. “City” or “this city” means the city of Douglas.
2. “Code” or “this code” means the Douglas Municipal Code.
3. Computation of Time. The time in which any act provided by law is to be done is computed by excluding the first day and

including the last unless the last day is a holiday and then it is also excluded.

4. “Council” means the city council of the city of Douglas, Arizona.

5. “County” means the county of Cochise, in the state of Arizona.

6. “Day” means the period of time between any midnight and the midnight following.

7. Daytime, Nighttime. “Daytime” means the period of time between sunrise and sunset. “Nighttime” means the period of time between sunset and sunrise.

8. Department, Board, Commission, Office, Officer or Employee. Whenever any “department,” “board,” “commission,” “office,” “officer” or “employee” is referred to, it means a department, board, commission, office, officer or employee of the city, unless the context clearly indicates otherwise.

9. Gender. The masculine gender includes the feminine and neuter.

10. “In the city” or “within the city” means all territory over which the city now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

11. “Joint authority” given to three or more persons shall be construed as given to a majority of such persons or officers.

12. “Month” means a calendar month.

13. Number. The singular number includes the plural and the plural the singular.

14. “Oath” includes affirmation.

15. “Or” may be read “and,” and “and” may be read “or,” if the sense requires it.

16. “Person” means any person, firm, association, organization, partnership, business trust, corporation or company.

17. “Personal property” means every species of property, except real property, as defined in this section.

18. "Preceding" and "following" mean next before and next after, respectively.

19. "Property" means real and personal property.

20. "Real property" means lands, tenements and hereditaments.

21. "Shall" is mandatory; "may" is permissive.

22. "Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

23. "State" or "this state" means the state of Arizona.

24. "Tenant" or "occupant," applied to a building or land, means any person holding a written or an oral lease of or who occupies the whole or a part of such building or land, either alone or with others.

25. Tenses. The present tense includes the past and future tenses, and the future includes the present.

26. "Week" means seven consecutive days.

27. "Writing" means any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.

28. "Year" means a calendar year, except where otherwise provided. (Prior code § 1.2)

1.04.030 Provisions considered as continuations of existing ordinances.

The provisions appearing in this code, so far as they are the same as those of ordinances existing at the time of the effective date of this code, shall be considered as continuations thereof and not as new enactments. (Prior code § 1.3)

1.04.040 Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed. (Prior code § 1.4)

1.04.050 Severability.

It is declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code is declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (Prior code § 1.5)

1.04.060 Catchlines of sections.

The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be

titles of such section, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such section, including the catchlines, is amended or reenacted. (Prior code § 1.6)

Chapter 1.08

CITY WARDS

Sections:

- 1.08.010 Division into wards.**
- 1.08.020 Ward one.**
- 1.08.030 Ward two.**
- 1.08.040 Ward three.**
- 1.08.050 Ward four.**
- 1.08.060 Ward five.**
- 1.08.070 Ward six.**
- 1.08.080 Polling stations.**
- 1.08.090 Consolidation of polling stations for special elections.**

1.08.010 Division into wards.

The city is divided into six wards for election purposes. The boundary of each ward shall be as set forth in this chapter. (Ord. 815 § 2 (part), 2002)

1.08.020 Ward one.

Beginning at the southwest corner of the city limit, thence east along the southern city boundary to the southeast corner of the city limits, thence north along the eastern city limit boundary to the intersection of the extension of the northern boundary of Quail Run Development, thence west along said northern boundary of Quail Run Development to the centerline of Van Buren Avenue, thence south along the centerline of Van Buren Avenue to the centerline of 8th Street, thence, west along the centerline of 8th Street to the centerline of Monroe Avenue, thence south along the centerline of Monroe Avenue to the centerline of 5th Street, thence west along the centerline of 5th Street to the centerline of Jefferson Avenue,

thence south along the centerline of Jefferson Avenue to the centerline of 5th Street, thence west along the centerline of 5th Street to the centerline of Washington Avenue, thence north along the centerline of Washington Avenue to the centerline of 6th Street, thence west along the centerline of 6th Street to the centerline of "E" Avenue, thence south along the centerline of "E" Avenue to the centerline of 5th Street, thence west along the centerline of 5th Street to the western city limit boundary, thence south along the western city limit boundary to the point of beginning. (Ord. 815 § 2 (part), 2002)

1.08.030 Ward two.

Beginning at the intersection of the extension of the centerline of 5th Street and the western city limit boundary, thence east along the centerline of 5th Street to the centerline of "E" Avenue, thence north along the centerline of "E" Avenue to the centerline of 6th Street, thence east along the centerline of 6th Street to the centerline of Washington Avenue, thence south along the centerline of Washington Avenue to the centerline of 5th Street, thence east along the centerline of 5th Street to the centerline of Jefferson Avenue, thence north along the centerline of Jefferson Avenue to the centerline of 5th Street, thence east along the centerline of 5th Street to the centerline of Monroe Avenue, thence north along the centerline of Monroe Avenue to the centerline of 8th Street, thence east along the centerline of 8th Street to the centerline of Van Buren Avenue, thence north along the centerline of Van Buren Avenue to the northern boundary of Quail Run Development, thence east along said northern boundary of Quail Run Development to the eastern city limit boundary, thence north along the eastern city limit boundary to the

centerline of the extension of 9th Street, thence west along the centerline of 9th Street to the centerline of "B" Avenue, thence south along the centerline of "B" Avenue to the centerline of 8th Street, thence west along the centerline of 8th Street to the centerline of Pan American Avenue, thence north along the centerline of Pan American Avenue to the centerline of 9th Street, thence west along the centerline of 9th Street to the western city limit boundary, thence south along the western city limit boundary to the point of beginning. (Ord. 815 § 2 (part), 2002)

1.08.040 Ward three.

Beginning at the intersection of the extension of the centerline of 9th Street and the western city limit boundary, thence east along the centerline of 9th Street to the centerline of Pan American Avenue, thence south along the centerline of Pan American Avenue to the centerline of 8th Street, thence east along the centerline of 8th Street to the centerline of "B" Avenue, thence north along the centerline of "B" Avenue to the centerline of 9th Street, thence east along the centerline of 9th Street to the eastern city limit boundary, thence north along the eastern city limit boundary to the extension of the centerline of 13th Street, thence west along the centerline of 13th Street to the centerline of Harrison Avenue, thence south along the centerline of Harrison Avenue to the centerline of 12th Street, thence west along the centerline of 12th Street to the centerline of "D" Avenue, thence south along the centerline of "D" Avenue to the centerline of 11th Street, thence west along the centerline of 11th Street to the centerline of Pan American Avenue, thence north along the centerline of Pan American Avenue to the centerline of West 11th

Street, thence west along the centerline of West 11th Street to the extension of North Douglas Avenue, thence due west to the western city limit boundary, thence south along the western city limit boundary to the point of beginning. (Ord. 815 § 2 (part), 2002)

1.08.050 Ward four.

Beginning at the intersection of the centerline of West 11th Street and Pan American Avenue, thence south along the centerline of Pan American Avenue to the centerline of 11th Street, thence east along the centerline of 11th Street to the centerline of "D" Avenue, thence north along the centerline of "D" Avenue to the centerline of 12th Street, thence east along the centerline of 12th Street to the centerline of Harrison Avenue, thence north along the centerline of Harrison Avenue to the centerline of 13th Street, thence east along the centerline of 13th Street to the eastern city limit boundary, thence north along the eastern city limit boundary to the northern city limit boundary, thence west along the northern city limit boundary to the centerline of Airport Road, thence north along the centerline of Airport Road to the centerline of 15th Street, thence west along the centerline of 15th Street to the centerline of "B" Avenue, thence south along the centerline of "B" Avenue to the centerline of 14th Street, thence west along the centerline of 14th Street to the centerline of Pan American Avenue, thence south along the centerline of Pan American Avenue to the point of beginning. (Ord. 815 § 2 (part), 2002)

1.08.060 Ward five.

Beginning at the intersection of the centerline of West 11th Street and Pan American Avenue, thence westerly along the

centerline of West 11th Street to the extension of North Douglas Avenue, thence west to the western city limit boundary, thence north along the western city limit boundary to the centerline of 16th Street, thence east along the centerline of 16th Street to the centerline of Pan American Avenue, thence north along the centerline of Pan American Avenue to the centerline of 17th Street, thence east along the centerline of 17th Street to the centerline of Estrella Avenue, thence north along the centerline of Estrella Avenue to the centerline of 19th Street, thence east along the centerline of 19th Street to the eastern city limit boundary, thence south and east along the eastern city limit boundary to the centerline of 15th Street, thence west along the centerline of 15th Street to the centerline of "B" Avenue, thence south along the centerline of "B" Avenue to the centerline of 14th Street, thence west along the centerline of 14th Street to the centerline of Pan American Avenue, thence south along the centerline of Pan American Avenue to the point of beginning. (Ord. 815 § 2 (part), 2002)

1.08.070 Ward six.

Beginning at the intersection of the centerline of 16th Street and the western city limit boundary, thence north, east, and south along the western, northern and eastern city limit boundary to the intersection of the centerline of 19th Street, thence west along the centerline of 19th Street to the centerline of Estrella Avenue, thence south along the centerline of Estrella Avenue to the extension of the centerline of 17th Street, thence west along the centerline of 17th Street to the centerline of Pan American Avenue, thence south along the centerline of Pan American Avenue to the centerline of 16th Street, thence

west along the centerline of 16th Street to the point of beginning; and the Arizona State Prison Complex-Douglas located at Bisbee-Douglas International Airport. (Ord. 815 § 2 (part), 2002)

1.08.080 Polling stations.

The following are established as polling stations for any forthcoming special, primary or general election, unless amended hereafter by the mayor and city council:

A. Ward one: Early Learning Center, 921 Third Street;

B. Ward two: National Guard Armory, 1401 Eighth Street;

C. Ward three: Fire Station, 1400 Tenth Street;

D. Ward four: St. Luke's Parish Hall, 1211 Fifteenth Street; (Ord. 853 § 1, 2003)

E. Ward five: Douglas Police Station, 300 West Fourteenth Street;

F. Ward six: City Recreation Center, 1800 Estrella Avenue. (Ord. 815 § 3 (part), 2002)

1.08.090 Consolidation of polling stations for special elections.

The city council may designate, from time to time, a polling station to serve two or more wards for the purpose of special elections. (Ord. 815 § 4 (part), 2002)

Chapter 1.10

ELECTIONS

Sections:

1.10.010 City primary elections.

1.10.010 City primary elections.

A. The time set for holding city primary elections shall be the second Tuesday of March in even numbered years.

B. The city clerk is authorized and directed to set the city primary elections on the second Tuesday of March on even numbered years. (Ord. 772 §§ 1, 2, 2000)

Chapter 1.12

GENERAL PENALTY

Sections:

1.12.010 General penalty— Continuing violations.

1.12.010 General penalty—Continuing violations.

A. Whenever in this code or in any ordinance of the city, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this code or other ordinance of the city shall be punished by a fine not exceeding three hundred dollars or imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

B. Every day any violation of this code or any ordinance of the city shall continue shall constitute a separate offense. (Prior code § 1.7)